

OPINION
57-19

March 22, 1957 (OPINION)

CITIES

RE: Authority to Share Maintenance of County Road

Your request for an opinion as to the authority of a city to share with the county, the expense of maintaining and repairing a portion of county road leading to the city garbage disposal area, is herewith acknowledged.

Under the provisions of section 40-34011 of the 1953 Supplement to the N.D.R.C. of 1943, not only is there authority but a duty to maintain in a sanitary condition the road or highway leading to the grounds maintained by said municipality for the disposal of garbage collected in said municipality.

As you pointed out in your letter, courts have generally held that a right or duty carries with it all authority which may be reasonably necessary to carry it out. To provide ingress and egress to garbage disposal grounds would appear to be a necessity.

For the reasons stated, it is the opinion of this office that a city may share in the costs of maintenance and repair of roads or highways leading to grounds maintained by such city for the disposal of garbage.

LESLIE R. BURGUM

Attorney General